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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 KEVIN D. LIPSKA,

11 Plaintiff,

12 v.

13 CORRECTIONAL OFFICER NILES *et al.*,

14 Defendants.

15 Case No. C07-5675RJB/JKA

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17 ORDER DENYING PLAINTIFF'S
18 MOTION TO FILE AN
19 AMENDED COMPLAINT

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23 This Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28
U.S.C. § 636(b)(1)(B). Before the court is plaintiff's motion to file an amended complaint (Dkt. # 19).
The motion is **DENIED** for a number of reasons. First, this motion was not served on opposing counsel.
The certificate of service reflects only service on the clerk of court (Dkt # 19). Second, the defendants
have answered the original complaint and in February of 2008 a scheduling order was entered. To allow
amendment which adds new claims at this point in the proceedings would delay resolution of this action
and prejudice defendants. Accordingly, Plaintiff's Motion is **DENIED**.

24 The Clerk is directed to send a copy of this Order to plaintiff and counsel for defendants.

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26 DATED this 4 day of June, 2008.

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28 /S/ J. Kelley Arnold
 J. Kelley Arnold
 United States Magistrate Judge